



THE CITY OF NEW YORK  
LAW DEPARTMENT

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SYLVIA O. HINDS-RADIX  
Corporation Counsel

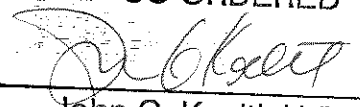
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August 4, 2022

**BY ECF**

Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

APPLICATION GRANTED  
SO ORDERED

  
John G. Koeltl, U.S.D.J.

Re: Jovorne Edwards v. City of New York et al.  
18-CV-8282 (JGK)

Your Honor,

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendants in the above referenced case. The parties write to respectfully request a *nunc pro tunc* enlargement of time from July 11, 2022 to August 25, 2022<sup>1</sup> to file a Proposed Case Scheduling Order.

By way of brief background, on September 11, 2018 plaintiff filed a *pro se* complaint alleging that on August 30, 2018, while he was incarcerated in Eric M. Taylor Center on Rikers Island, was sprayed with a chemical agent during an incident between two other inmates. Plaintiff further alleges that he was denied medical care and directed to return to his room, though he could not breathe, was spitting mucus and blood on the floor, and suffered from respiratory problems, skin irritation and burning sensations. See Civil Docket Entry No. 2. On June 28, 2019 counsel for plaintiff filed a Notice of Appearance<sup>2</sup>. See Civil Docket Entry No. 23. On May 4, 2021 an Amended Complaint was filed by plaintiff's counsel bringing claims for, *inter alia*, cruel and unusual punishment, violations of due process, and deliberate indifference to serious medical needs. See Civil Docket Entry No. 57.

<sup>1</sup> On June 29, 2022 Your Honor granted an extension from June 27, 2022 to July 11, 2022 to file a Proposed Case Management Plan. See Civil Docket Entry No. 101

<sup>2</sup> Samuel Christopher DePaola, Esq. of Sim & DePaola L.L.P. filed the Notice of Appearance. Since then other attorneys from the firm have also appeared on this matter.

On February 25, 2022 Your Honor endorsed a scheduling order which extended the deadline for fact discovery to April 4, 2022. See Civil Docket Entry No. 92. On April 5, 2022, the parties submitted a joint request that all future deadlines be held in abeyance until after the settlement conference and permit the parties to submit a proposed scheduling order after said settlement conference. See Civil Docket Entry No. 96. On June 13, 2022 a settlement conference was held. See Civil Docket Entry dated June 13, 2022. On June 10, 2022 Your Honor ordered the parties to submit a 26(f) report by June 27, 2022. See Civil Docket Entry No. 99. On June 28, 2022 the parties filed a joint request for an extension until July 11, 2022 to file a Proposed Case Scheduling Order which Your Honor granted on June 29, 2022. See Civil Docket Entries No. 100, 101.

At the very outset, the parties apologize for missing the extended deadline. On June 28, 2022 counsel for plaintiff and the undersigned engaged in a brief conversation about the current status of the case.<sup>3</sup> Regretfully, the parties inadvertently failed to communicate again prior to the July 11, 2022 deadline. The undersigned was engaged in an intensive two-week training program at Fordham Law School through the National Institute of Trial Advocacy from July 11, 2022 through July 21, 2022. On July 28, 2022 the undersigned, upon realizing that the deadline to submit a revised Proposed Case Scheduling Order had passed, contacted counsel for plaintiff via email regarding the missed deadline. That email also contained a draft of a Proposed Case Scheduling Order.

To date, the parties have not yet had an opportunity to discuss the proposed order. Because the undersigned has scheduled vacation and days off between August 8, 2022 and August 19, 2022, the requested enlargement until August 25, 2022 is needed so the parties may confer and agree upon a Proposed Case Scheduling Order for Your Honor's review and endorsement.

Accordingly, the parties apologize for missing the previous deadlines and respectfully request a *nunc pro tunc* enlargement of time from July 11, 2022 to August 25, 2022 to file a Proposed Case Scheduling Order.

Thank you for your consideration herein.

Respectfully Submitted,

*KellyAnne Holohan /s/*  
KellyAnne Holohan  
Assistant Corporation Counsel

cc: **BY ECF**  
*All Counsel of Record*

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<sup>3</sup> The undersigned spoke with Ataur Raquib, Esq.